IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 25036 of 2001

Between:

Vimala Devi, W/o Late Sudhakar Reddy
R/o Gopalapuram Mandal &Village West Godavari Dist, A.P

..... PETITIONER

AND

1 The Principal secretary to Government,
Finance &Planning (Fin .Wing .Pen.I)Dept.,
Government of A.P., Hyderabad
2 The Registrar General, A.P. High Court,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents to pay interest at 18% p.a. from 18.7.1996 on the pensionary benefits paid to the petitioner by declaring the letter No.592/SCF/ 2001-1, dated 30.10.2001 of the 1st respondent as illegal and void and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner:MR.A.RAMALINGESWAR RAO

Counsel for Respondent No.1: G.P for Finance & Planning

Counsel for Respondent No.2: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

<u>O R D E R</u>: (Per the Hon'ble Sri Bilal Nazki, ACJ)

This is a writ petition filed by the petitioner seeking payment of interest on family pension from 16-02-1998 when the pension verification report was given by the Accountant General to the date of actual payment of pension i.e., 10-04-2000.

Learned counsel for the petitioner contends that after the report dated 16-02-1998 issued by the Accountant General, there was no reason not to pay the pension. In fact, he has drawn our attention to memo dated 21-04-1999. By para 6 of this memo, according to him, no specific sanction for release of pensionary benefits are needed after issue of pension verification report by the Accountant General.

In the counter-affidavit, the Registrar of the High Court has stated that since there was a dispute between the petitioner and the children of the first wife of the deceased, therefore, initially, the case could not be settled, but after that the petitioner and the children of the first wife of the deceased settled the matter by an agreement dated 16-07-1997. This agreement was submitted in the High Court and by a letter dated 31-01-1997, the High Court requested the Chief Judge, City Small Causes Court, Hyderabad, to forward the pension papers to the High Court for taking necessary action. The papers were received in High Court on 16-10-1997 and they were forwarded to the Accountant General on 19-12-1997. By letter dated 16-02-1998, the Accountant General issued pension verification report, but it was subject to production of certain documents. This report was received in the High Court on 24-02-1998. The production of the documents by the petitioner was completed by producing succession certificate on 29-11-1999 and immediately pension was sanctioned with effect on 10-04-2000.

In this view of the matter, we do not find that there has been any deliberate delay in withholding the pension of the petitioner by the respondents. The writ petition is devoid of merits and it is accordingly dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

4th April, 2005.

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(Dr.G.Yethirajulu,J)

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To

1 The Principal Secretary to Government,
Finance &Planning (Fin .Wing .Pen.I)Dept.,
Government of A.P., Hyderabad
2 The Registrar General, A.P. High Court,
Hyderabad

3 Two C.Cs to the Government Pleader for Finance &

Planning, High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies.